

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Charles A. Allen, III

v.

Case No. 19-cv-385-PB

Hampshire House, Director et al.

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated April 18, 2019, and dismiss, as premature, the claims in Allen's petition (Doc. No. 1) alleging that the BOP's failure to recalculate his sentence to date constitutes a violation of section 102(b) of the First Step Act entitling him to relief. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

/s/Paul Barbadoro

Paul Barbadoro
United States District Judge

Date: May 14, 2019

cc: Charles A. Allen, III, pro se